IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10321 of 2004

Between:

Raja Vinay Mohan Lal Bhatnager S/o Late Sri Brij Mohan Lal Bhatagar, aged 62 years, occupation: Retired, resident of 3-5-15, Ramkote, Hyderabad.

... PETITIONER.

AND

1. Commissioner for Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
2. Joint Commissioner of Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
3. Assistant Commissioner, Endowments Department, R.R.District, Hyderabad.
4. Sri M.Veeresham, S/o not known, Major, C/w office of Asst. Commissioner , Endowments Department, R.R.District,

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Certiorari calling for the records relating to the Proceedings No.C/75/04 dt. 28/05/2004 issued by the Assistant Commissioner, Endowments Department, Ranga Reddy District, at Hyderabad and quash the same in so far as "SRI RAMACHANDRA SWAMY TEMPLE" situated at Rambagh (Attapur) village, Rajendranagar Mandal, Ranga Reddy District, as being illegal, arbitrary and violative of Article 14 of the Constitution of India besides being contrary to the principles of natural justice and consequently suspend the operation of the said proceedings pending disposal of the above Writ Petition..

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondent Nos.1 to 3: GOVERNMENT PLEADER FOR ENDOWMENTS.

Counsel for the 4th respondent: None appeared.

The Court made the following:

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ORDER:

The petitioner is questioning the appointment of the fourth respondent as a Manager of the temple on the ground that no post with the designation 'Manager' is prescribed under the Act. Therefore, the impugned order dated 28-5-2004 is illegal.

The petitioner is the trustee of the temple. There was already a post of Executive Officer created to the subject temple and an Executive Officer of a group of temples is kept in charge of the subject temple.

The grievance of the petitioner is that the 4th respondent is trying to usurp the powers of the petitioner in the name of his designation as Manager. Therefore, the order of the third respondent is liable to be cancelled.

The learned counsel for the respondents represented that the fourth respondent was appointed only as an Executive Officer with the designation 'Manager' for administrative convenience and he discharges the duties of the Executive Officer only and he was appointed as a full time manager in the place of in charge Executive Officer of a group of temples.

In the light of representation made by the Counsel for the respondent, it is clarified that the 4th respondent shall discharge the duties of the Executive Officer only under the administrative control of the petitioner and the 4th respondent is entitled to exercise his powers to the extent provided under the Act and discharge his duties as provided
thereunder. The fourth respondent requiring the petitioner to handover the registers and the books for the purpose of maintenance is not against the duties and powers of the Executive Officer prescribed under the Act.

There are no grounds to quash the orders of the third respondent dated 28-05-2004.

The writ petition is, accordingly, disposed of with the above direction regarding the limits of powers of the 4th respondent as attributed to the Executive Officer.

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dvs/dsr

To

1. Commissioner for Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
2. Joint Commissioner of Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
3. Assistant Commissioner, Endowments Department, R.R.District, Hyderabad.
4. Two CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad.

5. Two CD copies.